

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937H**

**Bail Appl..No. 5695 of 2015**  
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**CRIME NO. 546/2015 OF IRIKKOOR POLICE STATION, KANNUR DISTRICT.**  
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**PETITIONER/ACCUSED:**  
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**PONMANICHI ABDULLA, 79 YEARS,  
S/O MAMMAD, CHEKKINTAKATH,  
IRIKKOOR, KANNUR (DISTRICT).**

**BY ADVS.SMT.K.DEEPA (PAYYANUR)  
SRI.V.R.NASAR**

**RESPONDENT/COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. THE SUB INSPECTOR OF POLICE,  
IRIKKOOR POLICE STATION, PIN-673 331.**

**BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**A.HARIPRASAD, J.**

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**B.A No.5695 of 2015**  
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**Dated this the 22<sup>nd</sup> day of September, 2015.**

**ORDER**

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.546/2015 of Irikoor Police Station registered for offences punishable under Sections 7 r/w 8 of Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case, in short, is that the accused touched the private parts of a minor girl, aged 13 years by offering chocolates. The petitioner is running a shop in front of a school is an admitted fact.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel submitted that the petitioner is aged 78 years old person. He is a heart patient and suffering from other ailments due to old age. Learned counsel further submitted that he is innocent of all allegations. Learned Public Prosecutor opposed the bail application contending that the statement

recorded by the learned Magistrate under Section 164 Cr.P.C revealed the complicity of the petitioner in the crime. Considering the stage of investigation and the other relevant aspects, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall not indulge in any offence while on bail.

5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**A.HARIPRASAD,  
JUDGE.**

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